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|---|---|
| **From:** | /O=CITY OF RANCHO PALOS VERDES/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0032A7869B1F4D7BB8F8A69AE1B44 |
| **To:** | Jill Martin <jmartin@trumpnational.com> |
| **Cc:** | Salim Sawaya (selim@sawayaeng.com) <selim@sawayaeng.com>; Ara Mihranian; So Kim; Ron Dragoo; Nancy Penate |
| **BCc:** | Elias Sassoon; Doug Willmore |
| **Subject:** | Tract 50666 |
| **Attachments:** | CC RES 2016-008.pdf |

Thanks Jill

Please refer to condition K1 and K2 of the attachment regarding the landscaping. We need to make sure we are on the same page regarding the limits of the landscaping, the areas of landscaping, as well as what entity will maintain the landscaping.

I will ask Nancy to set up this conference call. We could also talk about the status of plans, the short wall and any other topic.

Nancy: Pls set-up a conference call with Ara, So, Jill, Selim, Ron and myself any afternoon this week.

Thanks:

Elias K. Sassoon, Director
Department of Public Works
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
Tel: 310-544-5335
Fax: 310-544-5292

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**From:** Jill Martin [mailto:jmartin@trumpnational.com]
**Sent:** Tuesday, June 05, 2018 9:57 AM
**To:** Elias Sassoon <esassoon@rpvca.gov>
**Cc:** Ara Mihranian <AraM@rpvca.gov>; 'Salim Sawaya (selim@sawayaeng.com)' <selim@sawayaeng.com>
**Subject:** RE: Call

Hi Elias,
Yes, we have engaged a landscape architect and are pushing to get the median landscape plans as soon as possible. I am available in the afternoons this week for a conference call, so please just let us know what time works on your end.

Thanks,

*Jill A. Martin*
Vice President & Asst. Gen. Counsel
The Trump Organization
c/o Trump National Golf Club Los Angeles
One Trump National Dr.
Rancho Palos Verdes, CA 90275
Tel: 310-303-3225
Fax: 323-282-3629

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**From:** Elias Sassoon <esassoon@rpvca.gov>
**Sent:** Monday, June 4, 2018 3:04 PM
**To:** Jill Martin <jmartin@trumpnational.com>
**Cc:** Ara Mihranian <AraM@rpvca.gov>
**Subject:** Re: Call

Ok. I did talk to Selim a few days ago right after I sent him an email with details regarding the next submittal. I would like to receive the plans and profiles for the 2 alternatives along with the mddian landscaping for the PVDS as soon as practical. Are you coordinating the landscaping design with a landscape architect?? Selim tells me he is not doing the landscaping.

If you do not mind, I would like to set up a conference call with you and Selim and Ara to make sure we are all on the same page.

Keep in mind, comes July 16 we have to ho ro city council. I would like to have everything approved by end of this month.

Thanks: Elias

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Jill Martin <jmartin@trumpnational.com>
Date: 6/4/18 4:45 PM (GMT-06:00)
To: Elias Sassoon <esassoon@rpvca.gov>
Subject: Call

Hi Eias,
I was on the phone with So Kim when you returned my call. So was able to resolve my issue so no need for a call at this time.

Thanks,

*Jill A. Martin*
Vice President & Asst. Gen. Counsel
The Trump Organization
c/o Trump National Golf Club Los Angeles
One Trump National Dr.
Rancho Palos Verdes, CA 90275
Tel: 310-303-3225
Fax: 323-282-3629

**RESOLUTION NO. 2016-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING AMENDMENT NO. 2 TO REVISION "BB" (CONDITIONAL USE PERMIT NO. 163 AND VARIANCE) AND COASTAL DEVELOPMENT PERMIT FOR AN EXISTING 70' TALL FLAG POLE AT TRUMP NATIONAL GOLF CLUB (ZON2015-00512).**

WHEREAS, an application package was filed by the Zuckerman Building Company and Palos Verdes Land Holdings Company requesting approval of tentative parcel maps, vesting tentative tract maps, conditional use permits, a coastal permit and a grading permit to allow the construction of a Residential Planned Development of 120 single family dwelling units and for development of an 18-hole golf course, a clubhouse, and parking facilities on a 258 acre site bounded by Palos Verdes Drive South on the north, Portuguese Bend Club and Community Association on the west, the Pacific Ocean on the south and Los Angeles County Shoreline Park on the east; and,

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and circulated for 45 days from June 7, 1991 through July 22, 1991 in order to receive written comments on the adequacy of the document from responsible agencies and the public; and,

WHEREAS, subsequent to the circulation of the Draft Environmental Impact Report and preparation of written responses, the applicant revised the scope of the project and reduced the number of proposed single family residences to 40 units in Vesting Tentative Tract Map No. 50666 and 43 in Vesting Tentative Tract Map No. 50667, and an 18 hole golf course with related facilities within the boundaries of both Vesting Tentative Tract Maps, and, due to the changes in the project, an Addendum to the Draft Environmental Impact Report (ADEIR) was prepared; and,

WHEREAS, based on review of the Addendum to the Draft Environmental Impact Report, the City determined that the information submitted in the AEIR cited potential additional significant environmental impacts that would be caused by the revised project, and directed preparation of a Supplemental Environmental Impact Report (SEIR). The SEIR, which incorporates information and findings set forth in the Addendum to the Draft Environmental Impact Report, was prepared and circulated for 45 days from March 19, 1992 through May 4, 1992, during which time all interested parties were notified of the circulation period and invited to present written comments to the information contained in the SEIR, in conformance with the requirements of the California Environmental Quality Act; and,

WHEREAS, on June 1, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-53, certifying Environmental Impact Report No. 36 and adopted Resolution Nos. 92-54, 92-55, 92-56 and 92-57, respectively approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103 and Grading Permit No. 1541 for a Residential Planned Development consisting of a total of 83 single family dwelling units, an 18 hole public golf course and public open space on 261.4 acres in Coastal Subregion Nos. 7 and 8; and,

WHEREAS, on August 12, 1992, after finding that an appeal of the City's approval of the project raised a substantial issue, the California Coastal Commission denied Coastal Permit No. 103, directed the landowners to redesign the project to address the concerns raised by the Coastal Commission Staff and remanded the project back to the City of Rancho Palos Verdes for reconsideration; and,

WHEREAS, on December 7, 1992, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 92-115 approving the Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 92-116, 92-117, 92-118 and 92-119 approving Revisions to Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, Coastal Permit No. 103, and Grading Permit No. 1541 in order to address concerns raised by the Coastal Commission with regard to adequate provisions for public open space, public access and habitat preservation; and,

WHEREAS, on April 15, 1993, the California Coastal Commission approved Coastal Development Permit No. A-5- RPV-93-5 (i.e. Coastal Permit No. 103), subject to additional conditions of approval; and,

WHEREAS, on October 5, 1993, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 93-89 approving a second Addendum to Environmental Impact Report No. 36 and adopted Resolution Nos. 93-90, 93-91, 93-92 and 93-93 respectively re-approving Vesting Tentative Tract Map Nos. 50666 and 50667, Tentative Parcel Map Nos. 20970 and 23004, Conditional Use Permit Nos. 162 and 163, and Grading Permit No. 1541 in order to comply with a Court mandate to provide affordable housing in conjunction with the project, pursuant to Government Code Section 65590; and,

WHEREAS, on November 5, 1993, the California Coastal Commission adopted revised and expanded findings in conjunction with the project; and,

WHEREAS, on September 6, 1994, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 94-71 approving a third Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 94-72, 94-73, 94-74, 94-75, 94-76 and 94-77, respectively, approving Revision "A" to the approved Ocean Trails project, including, but not limited to, relocation of the golf course clubhouse from the area southwest of the School District property to an area north of Half Way Point, locating the golf course maintenance facility and 4 affordable housing units southeast of the corner of Palos Verdes Drive South and Paseo Del Mar, reducing the number of single family residential lots from 83 to 75 and increasing the height of the golf course clubhouse from 30' to 48'; and,

WHEREAS, on January 12, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its first amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 27, 1995, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its second amendment to the permit; and,

WHEREAS, on February 1, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its third amendment to the permit; and,

WHEREAS, on March. 11, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-15 approving a fourth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-16, and 96-17, respectively, approving Revision "B" to the approved Ocean Trails project, including, but not limited to, modifying the approved alignment of Paseo del Mar ("A" Street/"J" Bluff Road), revising the Conditions of Approval regarding several public trails, and relocating the golf course clubhouse approximately 80' to the west of its previously approved location; and,

WHEREAS, on July 11, 1996, the California Coastal Commission approved Coastal Development Permit No. A-5-RPV-93-005A (i.e. Coastal Permit No. 103), thereby approving its fourth amendment to the permit, subject to revised conditions of approval; and,

WHEREAS, on September 3, 1996, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 96-72 approving a fifth Addendum to Environmental Impact Report No. 36 and Adopted Resolution Nos. 96-73, 96-74, 96-75, 96-76 and 96- 77, respectively, approving Revision "C" to the approved Ocean Trails project, including, but not limited to, relocation of two single family residential lots in Vesting Tentative Tract Map No. 50667 from the end of Street "A" to the end of Street "C", revisions to the boundaries of open space Lots B, C, G and H, conversion the split-level lots in Vesting Tentative Tract Map No. 50667 to single-level lots, revisions to the golf course layout, revisions the public trail system, combination of parallel trails easements, construction of a paved fire access road west of the Resolution No. 2007-31 Page 2 of 9 Ocean Terraces Condominiums and amendments to several Conditions of Approval and Mitigation Measures to modify the required timing for compliance; and,

WHEREAS, on September 9, 1997, the Planning Commission of the City of Rancho Palos Verdes adopted P. C. Resolution No. 97-44 approving Revision "D" to the Ocean Trails project, which involved an amendment to Conditional Use Permit No. 162 (Residential Planned Development) to modify the minimum rear yard setbacks on Lot Nos. 6 through 9 to provide an adequate buffer between the proposed residences and the potential brush fires that may occur on the adjacent habitat area; and,

WHEREAS, on April 21, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-32 approving Revision "E" to the Ocean Trails project, which involved an amendment to Conditional Use Permit No. 163 ( Golf Course) to modify the bonding requirements for the golf course improvements; and,

WHEREAS, on June 16, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-59, approving Revision "F" to the Ocean Trails project, which involved, modifying the configuration of Streets "C" and "D" and Lot Nos. 1 through 13 of Vesting Tentative Tract Map No. 50667 to accommodate the final location of the Foundation Setback Line, and a revision to Conditional Use Permit No. 162 (Residential Planned Development) to address maximum building height; and,

WHEREAS, on July 14, 1998, the Planning Commission adopted P.C. Resolution Nos. 98-26 and 98-27, thereby recommending approval of Addendum No. 6 to EIR No. 36 and Revision "G" to Conditional Use Permit No. 163 to the City Council; and,

WHEREAS, on August 18, 1998, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 98-76 approving Addendum No. 6 to Environmental Impact Report No. 36 and the proposed Revision "G" to the Ocean Trails project, which included: 1) an 18% increase in the size of the clubhouse from 27,000ft² to 32,927ft²; 2) an increase in the size of the maintenance facility from 6,000ft² to 9,504ft²; 3) a 2' increase in the upslope height of the maintenance facility building; and, 4) relocation of the maintenance building and reconfiguration of the maintenance facility parking lot; and,

WHEREAS, on February 2, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-10 approving Addendum No. 7 to Environmental Impact Report No. 36 and the proposed Revision "H" to the Ocean Trails project, which included: changing 6 of the residential lots within VTTM 50667 from flat pad lots to split level lots, lowering the overall pad elevation for each lot, and lowering Street 'B' within the subdivision, and lowering the pad elevation for 6 other lots within the subdivision. Additionally, the approval included the modification of the project's mitigation measures and conditions of approval to allow the

permitted construction hours for the entire Ocean Trails project to be expanded to include Sundays through March 21, 1999; and,

WHEREAS, on May 4, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-29 approving Addendum No. 8 to Environmental Impact Report No. 35 and the proposed Revision "I" to the Ocean Trails project, which included a change to the design of the storm drain facilities of the Ocean Trails project from a tunneled pipe system to the existing on- site canyons. Revision "I" only amended the drainage for the east side of the Ocean Trails project, involving La Rotonda Canyon; and,

WHEREAS, on June 2, 1999, Landslide C at the Ocean Trails site was re-activated; and,

WHEREAS, on July 20, 1999, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 99-55 approving Addendum No. 9 to Environmental Impact Report No. 36 and the proposed Revision "J" to the Ocean Trails project, which included 1), the conditions requiring the establishment of a maintenance district be revised by eliminating the maintenance district and having the golf course owner be the sole responsible entity for maintenance thereby excluding the future residential homeowners; 2) withdrawn by applicant; 3), the timing of the installation of ornamental fencing on each Resolution No. 2007-31 Page 3 of 9 residential lot be delayed until prior to issuance of certificate of occupancy; 4), delay the construction of two trails within VTTM 50666 from the Second Stage to the Third Stage of phasing within the Public Amenities Plan; 5), lower the approved residential building pad elevations and create split-level pads in VTTM No. 50666; 6), delay the payment of traffic impact fees to prior to Final Map No. 50666; 7), allow an increase in total building area of the clubhouse by permitting a basement space; 8), withdrawn by applicant; and 9), revise the hours permitted for golf course landscape gardening; and,

WHEREAS, on May 16, 2000, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 2000-27 approving Addendum No. 10 to Environmental Impact Report No. 36 and the proposed Revision "K" to the Ocean Trails project, which allowed a portion of the golf course to open for play before all of the required public amenities have been completed due to delays caused by the failure of Landslide C on June 2, 1999; and,

WHEREAS, on June 21, 2000, the City Council of the City of Rancho Palos Verdes adopted Resolution No. 2000-38 certifying a Final Supplemental Environmental Impact Report to Environmental Impact Report No. 36, adopting a Mitigation Monitoring Program, adopting a Statement of Overriding Considerations, and the proposed Revision "L" to the Ocean Trails project, for the repair of Landslide C at Ocean Trails; and,

WHEREAS, on July 18, 2000, the City Council of the City of Rancho Palos Verdes approved Revision “M” to the Ocean Trails Project, thereby approving an amendment to the Habitat Conservation Plan (HCP), an amendment to the HCP Implementing Agreement, and approval of a Conservation Easement over the lower portion of Shoreline Park; and,

WHEREAS, on September 5, 2000, the City Council of the City of Rancho Palos Verdes approved Revision “N” to the Ocean Trails Project, thereby approving a Mitigated Negative Declaration and amending the project to accommodate a change to the design of the storm drain facilities of the Ocean Trails project from a tunneled pipe system to the existing on-site canyons. Revision "N" only amended the drainage for the west side of the Ocean Trails project, involving Forrestal Canyon; and,

WHEREAS, on February 20, 2001, the City Council of the City of Rancho Palos Verdes approved Revision “P” to the Ocean Trails Project, thereby approving an amendment to allow

Ocean Trails an extension of time to provide 4 on-site affordable housing units for rent from "prior to one year of the opening of the clubhouse" to "prior to the opening of the 18-hole golf course"; and,

WHEREAS, on August 19, 2003, the City Council of the City of Rancho Palos Verdes approved Revision "T" to the Ocean Trails Project, thereby approving an amendment to allow an expansion to the Clubhouse Building; and,

WHEREAS, on November 5, 2003, the City Council of the City of Rancho Palos Verdes approved Revision "U" to the Ocean Trails Project, thereby approving an additional expansion to the Clubhouse Building; and,

WHEREAS, on April 20, 2004, the City Council of the City of Rancho Palos Verdes approved Revision "V" to the Ocean Trails Project, thereby allowing 1) basement areas of one-story structures to be excluded from the existing 30% " Maximum Habitable Space" requirement, but require that the basement habitable area be added to the first floor habitable area in complying with the " Maximum Habitable Space Square Footage" requirement; 2) permitting a change in the height of Lot #2 to allow for a subterranean garage; and 3) permitted construction of retaining walls and access to the proposed subterranean garage; and,

WHEREAS, on June 7, 2005, the City Council of the City of Rancho Palos Verdes approved Revision "W" to the Trump National Golf Club project thereby revising CUP No. 162, CUP No. 163, VTTM 50666, and Grading Permit No. 1541 to accommodate a new driving range in place of 16 residential lots within VTTM 50666; and, Resolution No. 2007-31 Page 4 of 9; and,

WHEREAS, on May 2, 2006, the City Council approved Revision "Z" to the Trump National Golf Club project to revise Conditional Use Permit No. 163 to allow a change in the golf course design to permit an increase in height for Waterfall #1 and new back tees on Hole #2, and to revise Grading Permit No. 1541, to allow an additional temporary 3-month opening of the golf course and driving range to the public; and,

WHEREAS, on June 22, 2006, the owner, V.H. Property Corp., submitted an application requesting approval of an amendment to Conditional Use Permit No. 163 and a Variance to accommodate a new 70' tall flagpole located at the back tee of Hole #1; and,

WHEREAS, on July 5, 2006, said application was deemed complete for processing; and,

WHEREAS, on July 25, 2006, after notice issued pursuant to the provisions of the Development Code, the Planning Commission held a public hearing to consider the request (Case No. ZON2006-00328), at which time all interested parties were given an opportunity to be heard and present evidence. At said hearing the Planning Commission adopted P. C. Resolution No. 2006-37 denying the Applicant's request; and,

Whereas, on August 9, 2006, the Applicant filed a timely appeal of the Planning Commission's decision; and,

WHEREAS, on September 19, 2006, the City Council conducted the appeal hearing at which time the Council 1) decided to move forward with an alternative that would maintain the existing flag pole; and, 2) directed staff to explore options with Trump National to retain the flag pole; and, 3) instructed the negotiators to consider providing: a) access steps from the public parking lot to the flag pole; and b) a dedication of land around the flag pole in fee to the City with an access easement to Trump National; and c) construction plans and engineering specifications required to obtain an as- built building permit for the flag pole; and d)

maintenance by Trump National and its successors in perpetuity to raise and lower the flag, maintain the flag, rigging and flag pole and tend the landscaping within the dedication area; and e) appropriate lighting to allow the flag to be flown at night with all associated costs to be at Trump National's or its successor's sole expense. The Council then continued the public hearing for the appeal to a date uncertain so as to allow the Applicant to respond to the Council's action; and,

WHEREAS, on February 6, 2007, the Council held a public hearing and considered the Applicant's proposed 4 alternative locations for a public viewing area and then provided the following direction for Staff and the Applicant to work out: a) Applicant shall place two benches and two tables to be used as a public viewing area in Founders Park between an existing bicycle trail and the 18th tee; and b) Applicant shall dedicate land around the flag pole in fee to the City with an access easement to Trump National; and c) Applicant shall submit construction plans and engineering specifications required to obtain an as-built building permit for the flag pole; and d) a maintenance agreement shall be agreed upon so that Trump National and its successors in perpetuity will raise and lower the flag, maintain the flag, rigging and flag pole and tend the landscaping within the dedication area; and e) Applicant shall install appropriate lighting to allow the flag to be flown at night with all associated installation and maintenance costs to be borne by Trump National or its successor's in perpetuity, with acknowledgement that only the City has the authority to turn the lights on; and f) Applicant shall indemnify City in regards to the construction/ installation of the flag pole and use of the easement area. The Council then continued the item to the March 20, 2007 City Council meeting so that Staff and the Applicant could have additional time to prepare the appropriate documentation and Resolutions for approval of the CUP amendment and Variance; and, Resolution No. 2007-31 Page 5 of 9; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65952. 5(e) (Hazardous Waste and Substances Statement), on March 14, 2007, copies of the draft Addendum No. 26 to Environmental Impact Report No. 36 were distributed to the City Council and prior to taking action on the proposed Revision "BB" to the Trump National Golf Club project, the City Council independently reviewed and considered the information and findings contained in Addendum No. 26 to EIR No. 36; and,

WHEREAS, on March 20, 2007, the City Council adopted Resolution No. 2007-31, thereby approving an appeal and thereby conditionally approving Revision "BB" to Conditional Use Permit No. 163 and Variance to allow a 70' tall after-the-fact flag pole near the back tee of Golf Hole #1, which is located in an area that has already been graded and developed as part of the golf course; and,

WHEREAS, on July 17, 2007, the City Council adopted Resolution No. 2007-85, thereby approving Amendment No. 1 to Revision "BB" of Conditional Use Permit No. 163 and a Variance; thereby allowing changes to action deadlines to existing conditions of approval to 60 days after final action by the California Coastal Commission; and,

WHEREAS, on July 9, 2014, the California Coastal Commission conducted a public meeting to consider a number of items related to Trump National that were previously approved by the City Council but have been awaiting Coastal Commission review, including the existing 70' tall flag pole that was approved by the City Council in 2007; and,

WHEREAS, at the July 9, 2014 meeting, the Coastal Commission did not approve the flag pole because the City's Local Coastal Plan (LCP) does not address flag poles in the

Coastal Zone, and the Coastal Commission suggested that the City amend its LCP to specifically allow 70' tall flag poles in the Coastal Zone; and,

WHEREAS, on July 29, 2014, the City Council initiated the process to amend the City's LCP to specifically address the height of flag poles in the City's Coastal Zone; and,

WHEREAS, on October 14, 2014, the Planning Commission, at a duly noticed public hearing, reviewed the proposed text amendment to the LCP and recommended, via minute order, that the City Council approve the proposed text with one minor modification replacing "American flag" with the text "flag of the United States of America;" and,

WHEREAS, on November 4, 2014, the City Council adopted Resolution 2014-73, thereby adopting a Negative Declaration for a text amendment at the end of the Visual Corridors section of the City's Local Coastal Plan to allow flag poles up to 70' in height that meet specific standards in the City's coastal zone; and,

WHEREAS, on November 4, 2015, the Trump organization submitted a Coastal Development Permit application to allow the existing 70' tall flag pole to remain in the City's coastal zone; and,

WHEREAS, on December 3, 2015, Staff deemed the application complete; and,

WHEREAS, on January 28, 2016, pursuant to the City's Municipal Code, a public notice was published in the *Peninsula News* and mailed to property owners within a 500' radius of the project site and to interested parties, inviting public comments on the proposed amendment to Conditional Use Permit No. 163, Variance, and Coastal Permit; and,

WHEREAS, on February 16, 2016, the City Council held a duly noticed public hearing to consider the proposed Amendment No. 2 to Conditional Use Permit No. 163 and Coastal Permit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

**Section 1:** That the proposed request is for 1) Amendment No. 2 to Revision "BB" (Conditional Use Permit No. 163 and Variance) to modify the existing action deadlines of specific conditions of approval within Resolution No. 2007-85 to a date after a Coastal Permit is approved by the City Council; and 2) a Coastal Permit to allow the existing 70' tall flag pole to remain on the Trump National Golf Club property.

**Section 2:** Pursuant to Section 17.60.050 of the Development Code, in approving the Amendment No. 2 to Revision "BB" (Conditional Use Permit No. 163 and Variance), the City Council finds that the change in action deadlines is relatively minor and does not affect the approval nor change any of the findings adopted for the flag pole through Revision "BB", which in adopting Amendment No. 2 to CUP No. 163, the findings are as follows:

a. That the site is adequate in size and shape to accommodate the proposed use and for all of the yards, setbacks, walls, fences, landscaping and other features required by this title or by conditions imposed under this section to integrate said use with those on adjacent land and within the neighborhood because the entire subject site is approximately 243 acres which is of sufficient size to accommodate a 70' tall flag pole. Additionally, the site of the proposed flag pole is located towards the middle of the subject property - a significant distance setback from other neighboring residential

structures so as to ensure that the proposed flag pole does not cause any significant visual impacts to such residential properties and to any view corridors; and,

b. That the site for the proposed use relates to streets and highways sufficient to carry the type and quantity of traffic generated by the subject use because the proposed flagpole will not cause any increase in use of the subject golf course site and therefore will not generate any increase in the use of streets, highways or necessitate additional parking spaces at the site; and,

c. That in approving the subject use at the specific location, there will be no significant adverse effect on adjacent property or the permitted use thereof because considering the expansive views over the project site the proposed flagpole does not create " significant" view impairment to neighboring properties or view corridors. Further, the relative size of the flagpole compared to the overall size of the subject property along with the significant setback between the flagpole and adjacent properties ensures that there will be no significant visual impacts related to the magnitude of what a 70' tall flagpole may cause if located closer to adjacent properties.

d. That the proposed use is not contrary to the General Plan because the property, while having a residential land use designation, includes the ancillary uses of a golf course and clubhouse, of which these types of ancillary uses typically include amenities such as a flag pole.

e. That the proposed use is located within the "Natural", " Socio/cultural", and " Urban Appearance" overlay control districts established by Municipal Code Chapter 17.40, and the proposed use complies with all applicable requirements of that chapter.

f. That the following conditions of approval, which were adopted through Resolution No. 2007-85 have been amended to reflect current action deadlines as follows (~~strikethrough~~ for text removed and **bold/underline** for text added), which the City Council finds to be necessary to protect the health, safety and general welfare:

*V. Flag Pole*

1. *The conditions found under Section V. of Conditional Use Permit No. 163 pertain to the approval of Revision BB to the project, as approved by the City Council on March 20, 2007 approves the erection of a 70' tall flagpole near the back tee of Golf Hole #1 for the purpose of flying the flag of the United States of America. No other flag, object or display shall be flown form such flagpole without the approval of the City Council. The Applicant shall be responsible for abiding by all laws related to the flag of the United States as found in United States Code, Title 4, Chapter 1.*

~~*2. Prior to September 20, 2007, the Applicant shall be responsible for installing 4 benches in Founders Park to serve as public viewing areas. The location of the benches shall be as follows: two benches to be located at sites #1 and #2 as shown in the Applicant's depiction presented to the Council at their March 20, 2007 meeting, one bench to be installed at the southern end of Founder's Park at the western edge and one bench to be installed at the southern end of Founder's Park at the eastern edge, subject to review and approval by the Director of Planning, Building and Code Enforcement. The Applicant shall be responsible for the ongoing maintenance of the benches.*~~

3. *Prior to 60 days after final action by the ~~California Coastal Commission~~ **City Council on February 16, 2016**, the Applicant shall dedicate 25 square feet (5' x 5') of property around the existing flag pole base to the City. Upon recordation, the City will henceforth be the owner of said property and the amenities located thereon. The Applicant shall be responsible for paying all necessary fees for the preparation of Grant Deed documents, including the legal description of said property and review by the City Engineer and City Attorney.*

4. *Prior to 60 days after final action by the ~~California Coastal Commission~~ **City Council on February 16, 2016** and prior to recordation of the Grant Deed that dedicates the 25 square foot property beneath the flag pole to the City, the Applicant shall obtain a building permit and a final on said permit for the flag pole ~~and lighting equipment that will illuminate the flag~~. The Applicant shall be responsible for paying all necessary after-the-fact penalty fees for such building permit.*

5. *The Applicant shall be responsible for raising and lowering the flag on a daily basis in compliance with all laws related to the United States Flag found in the United States Code, Title 4, Chapter 1. Additionally, the Applicant shall be responsible for maintaining, including the costs of such maintenance, the flag, rigging, flag pole, flag ~~lighting~~, and any landscaping within the 25 square foot dedication area.*

6. *Prior to 60 days after final action by the ~~California Coastal Commission~~ **City Council on February 16, 2016**, the Applicant shall enter into a Reciprocal Easement Agreement that would allow the Trump Organization to access the flag pole site for maintenance activities while also providing an easement over golf course property to allow the City to access the flag pole site.*

~~*7. Prior to 60 days after final action by the California Coastal Commission, the Applicant shall obtain a building permit, install flag lighting and obtain a final on the flag lighting building permit. The City shall be the only responsible entity for determining when and for how long the lights that illuminate the flag shall be used. At no time shall the Applicant or any other party illuminate the flag without the approval of the City. If and when the City determines that the flag should be illuminated, the City shall notify the Applicant no later than 24 hours in advance of such illumination.*~~

8. *Prior to 60 days after final action by the ~~California Coastal Commission~~ **City Council on February 16, 2016**, the Applicant shall enter into an Indemnification Agreement that indemnifies the City against any action associated with the Applicant's installation/construction of the amenities located on the 25 square foot property, as well as the maintenance and all other activities related to the flag and flag pole.*

~~*9. Prior to August 17, 2007, the Applicant shall submit a complete application to the California Coastal Commission requesting a Coastal Permit Amendment for the proposed flag pole and related amenities.*~~

10. ***No lighting to illuminate the flag pole shall be allowed.***

**Section 3:** Pursuant to Section 17.72 of the Development Code, in approving a Coastal Permit, the City Council finds as follows:

A. That the proposed development is consistent with the Coastal Specific Plan, specifically with the following recent text amendment to the Visual Corridor section. Said text amendment was approved by the City Council on November 4, 2014, with the objective

to specifically allow the existing Trump National flag pole to remain as a local landmark and public amenity while not allowing a proliferation of other such flag poles. No changes have been made to the existing flag pole since that time.

Flag Poles (Page C-12 of the Coastal Specific Plan)

Flag poles in the Coastal Zone are permitted up to 12-feet in height, as measured from adjacent grade, with no discretionary review, or up to 16-feet in height, as measured from adjacent grade, with a Site Plan Review application to ensure there is no significant view impairment caused by the flag pole above 12-feet in height. Flag poles in the Coastal Zone may exceed 16-feet in height, up to a maximum height of 70-feet, as measured from adjacent grade provided the following parameters are met:

- One flag pole exceeding 16-feet in height is permitted for any parcel of 120 acres or more, provided that, within the 120-plus-acre legal parcel, the land on which the flag pole is erected is owned by or dedicated to the City so as to allow for public access and to allow only the flag of the United States of America to be flown on said flag pole;
- The flag pole shall be consistent with the height restrictions identified in the visual corridors section of the LCP;
- An approved Variance Permit to exceed the City's 16-foot height limit must be obtained from the City; and,
- The property where the flagpole is located must provide a minimum of 20 free public parking spaces, public restrooms, drinking fountain, and public bench seating.

B. That the proposed development, when located between the sea and the first public road, is consistent with applicable public access and recreation policies of the Coastal Act. Over the years, the existing flag pole has become and considered a visitor-serving public amenity and landmark. The existing conditions of approval for the flag pole require that it be located on land owned or deeded to the City and that certain amenities be available to accommodate public access, such as free public parking, restrooms, seating areas, and drinking fountains. These public amenities are intended to ensure public access and the public's enjoyment to view the United States of America flag. Minor changes are proposed to the existing conditions of approval to re-set the due dates for specific actions by the applicant for compliance. With the updated conditions of approval in place, the existing flag pole is consistent with the policies of the Coastal Act.

**Section 4:** That the existing flag pole adopted through Revision "BB" and its subsequent amendment in 2007, as well as minor revisions reflected as Amendment No. 2 are consistent with the City's Development Code through the approval of this Conditional Use Permit amendment and Coastal Permit found in Sections 2 and 3 above, and because the ancillary use of a flag pole is permitted under the RS-1 zoning district of the subject site.

**Section 5:** Pursuant to Development Code section 17.72.100, an appeal of the city's final decision may be filed by an applicant, any aggrieved person or any two members of the coastal commission. The time within which judicial review of the decision reflected in this Resolution, if available, must be sought as governed by Section 1094.6 of the California Code of Civil Procedure or any other applicable short periods of limitations.

**Section 6:** For the foregoing reasons, and based on information and findings contained in the public record, including staff reports, minutes, records of proceedings, and

evidence presented at the public hearings, the City Council of the City of Rancho Palos Verdes hereby approves Amendment No. 2 to Revision "BB" of Conditional Use Permit No. 163 and a Coastal Permit, with associated conditions of approval that are attached in Exhibit "A", which are necessary to protect the public health, safety and general welfare. All other conditions of approval that have been imposed on this project shall remain in effect and incorporated herein.

PASSED, APPROVED, AND ADOPTED this 16th day of February 2016.

Mayor

Attest:

City Clerk

State of California )
County of Los Angeles ) ss
City of Rancho Palos Verdes )

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2016-08 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on February 16, 2016.

City Clerk

**RESOLUTION NO. 2016-08**
**EXHIBIT "A"**
**CONDITIONAL USE PERMIT NO. 163/VARIANCE - REVISION "BB"**
**CONDITIONS OF APPROVAL FOR A GOLF COURSE DEVELOPMENT**

A. DEVELOPER AGREEMENT

1. Within thirty (30) days of approval of Amendment No. 2 to Revision "BB" of the Conditional Use Permit, the developers shall submit, in writing, a statement that they have read, understand and agree to all of the conditions of approval contained in this exhibit.

2. The developer shall fund an alternative water source study in an amount not to exceed fifty thousand (50,000) dollars. The purpose of the study shall be to investigate the feasibility of developing various alternative water sources for support of the golf course and related facilities including such alternatives as desalinization, reverse osmosis and other similar technologies, water reclamation, use of de-watering wells, etc. However, upon written request, the City Council may waive or delay the requirement to prepare said study.

3. If there are drought conditions at the time the golf course is developed, or if for any other reason the availability of water is scarce, the developer or its successor in interest shall contribute its proportionate share of the cost of developing new water sources for the City, including off-site development, identified in the study required in Condition A.2. The City or other responsible agency shall determine the amount of the proportionate share by conducting the necessary studies. However, upon written request, the City Council may waive or delay the payment of the contribution, contingent on a determination by the City Council that an alternative water source study is necessary pursuant to Condition A.2.

4. Approval of this Conditional Use Permit is conditioned upon the applicant entering into an agreement with the City of Rancho Palos Verdes within twenty (20) days of the date of this approval, subject to approval by the City Attorney, to indemnify and defend the City against all damages, claims, judgements, and litigation costs, including, without limitation, attorney's fees awarded to a prevailing party, arising from the approval of the project and all issues related thereto.

B. PERMIT EXPIRATION AND COMPLETION DEADLINE

1. Pursuant to Development Code Section 17.86.070 (formally 17.67.090), this permit shall expire within twenty four (24) months from the date that the Coastal Permit associated with this Conditional Use Permit is approved by the last responsible agency approval, unless a grading permit for the golf course and building permits for the clubhouse structure have been applied for and are being diligently pursued. Extensions of up to one (1) year each may be granted by the City Council, if requested in writing prior to expiration.
2. If rough grading for the golf course and construction to the point of foundation inspection for the clubhouse structure has not been completed within twenty four (24) months from the date of building permit issuance, the Conditional Use Permit shall expire and be of no further effect, unless, prior to expiration, a written request for extension is filed with the Director of Planning, Building and Code Enforcement and is granted by the City Council. Otherwise, a new Conditional Use Permit must be approved prior to further development.

C. GOLF COURSE CLUBHOUSE

1. The golf clubhouse shall be located west of the terminus of Street "A" (Paseo Del Mar extension), in the area generally described as east of Forrestal Canyon, south of the single family Lot Nos. 6, 7, and 8 located on Street "B", and north of Half Way Point Park, as shown on "Site Plan for Conditional Use Permit Amended Map No. 2," dated June 19, 1996, prepared by ESCO Engineering Service Corporation, and dated as received by the City on August 2, 1996. No portion of the golf course clubhouse shall be located in areas currently zoned Open Space Hazard (OH).

A minimum factor of safety of 1.5 shall be demonstrated for the clubhouse structure. If the developer is unable to provide for a minimum factor of safety of 1.5 using mechanical methods, including but not limited to de-watering wells, or if the clubhouse location is modified for any other reason, the developer shall submit an application for a revision to this Conditional Use Permit, for review and approval by the Planning Commission and City Council prior to recordation of any Final Map.

2. The size, height, design and placement of the clubhouse shall substantially conform to the plans reviewed by the City Council, which are entitled "Proposed Club House Expansion and Remodel", prepared by Envirotechno, dated June 11, 2003 and dated as received by the City on October 30, 2003. The maximum size of the Clubhouse shall be 41,281 square feet. Any increases to the size of the structure shall require approval of an amendment to this Conditional Use Permit by the City Council. Further, the Basement Space can only be utilized provided that the developer obtains all necessary approvals and permits from the Building Department and Fire Department.

3. The public rest rooms on the lower level of the clubhouse shall be increased in size to include a minimum of four (4) water closets in the women's facility and one (1) water closet and two (2) urinals in the men's facility. The design, orientation and signage of this facility shall clearly encourage use by the public visiting the adjacent park and access trails. The final design of the public rest rooms shall be subject to the review and approval of the Director of Planning, Building and Code Enforcement.

4. The height of the clubhouse shall conform to the requirements of Variance No. 380, as specified in Resolution No. 94-77.

D. AFFORDABLE HOUSING

1. The developer shall provide a minimum of four (4) dwelling units on-site as rental housing, which shall be affordable to very low to low income households. These units shall be provided on-site in conjunction with development of the golf course. Each unit shall contain at least 850 square foot of living space and two bedrooms. A minimum of two enclosed parking spaces shall be provided for each unit. The units shall be available for rent prior to the opening of the 18-hole golf course. A covenant which guarantees that the affordable units shall not revert to market rate for a minimum period of thirty years shall be recorded no later than the date of recordation of the final map.

   Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low income levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

2. The total number of on-site market-rate dwelling units shall be limited to one dwelling unit per buildable acre of land. However, as an incentive to the developer to provide affordable housing, the four (4) affordable dwelling units to be provided on-site, pursuant to Condition D.1 above, shall be allowed to exceed the one dwelling unit per buildable acre maximum. However, in no event shall more than 63 units (both market-rate and affordable) be constructed on the total project site, which includes Vesting Tentative Tract Map Nos. 50666 and 50667.

3. The developer shall provide a minimum of two (2) dwelling units off-site as rental housing, which shall be affordable to very low to low income households. The off-site units shall be located in the City, either within the City's coastal zone or within three miles thereof, and shall not already be designated for or used by persons or families of very low to moderate income levels. The units shall contain at least 850 square feet of habitable space and two bedrooms. The units shall be available for rent within 30 days after the issuance of the Department of Real Estate's "White Report" for Tract No. 50666 and prior to the sale of any residential lot within Tract No. 50666. The developer shall notify the City within

5 business days after the Department of Real Estate issues the "White Report". The units shall remain affordable to very low to low income households for a period of at least thirty years after initial occupancy at the affordable rate.

Project management, including tenant selection and income monitoring, shall be provided in a manner to be approved by the City. First priority for the units shall be given to very low to low income employees of the Ocean Trails project. Second priority shall be given to persons within very low to low levels working within four miles of the City's coastal zone. Third priority shall be given to persons within very low to low income levels, regardless of the location of employment (if employed).

4. The on-site affordable housing units shall be located near the southeast intersection of Palos Verdes Drive South and Paseo Del Mar, provided that mechanical methods including, but not limited to de-watering wells, are utilized to ensure a minimum factor of safety of 1.5 for the affordable housing units. Additionally, no portion of the affordable housing units shall be located in areas currently zoned Open Space Hazard (OH). If the developer is unable to provide for a minimum factor of safety of 1.5 using mechanical methods, or if the location of the affordable housing complex is modified for any other reason, the developer shall submit an application for a revision to this Conditional Use Permit, for review and approval by the Planning Commission and City Council prior to recordation of any Final Map, or issuance of the grading permit, whichever occurs first.

5. The size, height, design and placement of the affordable housing complex shall substantially conform to the plans reviewed by the Planning Commission, which are entitled "Ocean Trails Clubhouse" (site plan, floor plans and elevations), prepared by Klages Carter Vail and Partners, dated May 1, 1994 and dated as received by the City on August 5, 1994. However, the required parking shall be modified to include a minimum of eight (8) enclosed garage spaces, pursuant to Condition D.1 above. Prior to issuance of building permits for the complex, the final design of the affordable housing complex shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement. The developer of the affordable housing complex shall be required to participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for the affordable housing units are submitted.

6. The unenclosed guest parking spaces associated with the affordable housing complex shall be designed in such a manner as to blend with the single family residential appearance of the complex. Prior to the issuance of building permits for the complex, the final design of the guest parking spaces shall be submitted for review and approval of the Director of Planning, Building and Code Enforcement.

E. GOLF COURSE MAINTENANCE FACILITY

1. The golf course maintenance facility shall be located near the southeast intersection of Palos Verdes Drive South and Paseo Del Mar and the affordable housing complex, provided that mechanical methods including, but not limited to de-watering wells, are utilized to ensure a minimum factor of safety of 1.5 for the maintenance structure. Additionally, no portion of the golf course maintenance structure shall be located in areas currently zoned Open Space Hazard (OH). If the developer is unable to provide for a minimum factor of safety of 1.5 using mechanical methods, or if the location of the golf course maintenance facility is modified for any other reason, the developer shall submit an application for a revision to this Conditional Use Permit, for review and approval by the Planning Commission and City Council prior to recordation of any Final Map, or issuance of the grading permit, whichever occurs first.

2. The size, height, design and placement of the golf course maintenance facility shall substantially conform to the plans reviewed by the Planning Commission, which are entitled "Ocean Trails at Palos Verdes" prepared by HRMA Inc., dated as received by the City on July 13, 1998. Prior to

issuance of building permits for the facility, the final design of the maintenance facility shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement for conformance with the plans approved by the Planning Commission on July 14, 1998. The Maintenance Facility, including the 75-space overflow parking lot and 25-space employee parking lot shall be completed and a final certificate of use and occupancy shall be obtained prior to the opening of the 18-hole golf course.

3. The maximum ridge height of the maintenance facility shall not exceed a height of 24 feet over the equipment storage area and 26 feet over the repair shops and offices. Ridge height certification is required at building framing inspection.

4. The golf course maintenance facility shall be enclosed by a maximum six (6) foot high, decorative block wall. The final location of the wall shall be subject to the review and approval of the Director of Planning, Building and Code Enforcement, prior to the issuance of building permits for the facility.

F. DESIGN OF THE GOLF COURSE AND DRIVING RANGE

1. The design and layout of the 18 hole golf course shall substantially conform to the plans reviewed by the Planning Commission, which are entitled "Site Plan for Conditional Use Permit Amended Map No. 2," dated June 19, 1996, prepared by ESCO Engineering Service Corporation, and dated as received by the City on August 2, 1996. Prior to commencement of the construction of the golf course, the final design of the golf course shall be submitted for review by the Director of Planning, Building and Code Enforcement and subsequently submitted for review and approval by the City Council for compliance with the plan referenced in this condition. The final design of the golf course shall identify the layout of the golf course holes and other improvements, including drainage structures, utility easements, golf cart paths, public trails and beach access. Wherever possible, the final design of the golf course shall minimize any conflict between the use of the golf holes and the public trails.

2. Any changes in the project which results in significant changes in the development characteristics of the approved conceptual plan per Condition F.1 above, shall require that an application for a revision to the Conditional Use Permit be filed. The scope of the review shall be limited to the request for modification of any items reasonably related to the request, and shall be subject to approval by the City Council. Before any minor changes are made to the development, the Director of Planning, Building and Code Enforcement shall report to the City Council a determination of significance.

3. Prior to issuance of any grading permit, the developer shall submit a final Public Amenities Plan, including signage, specific design standards and placement for all trails, vista points and parking facilities, and other amenities consistent with the Conceptual Trails Plan and subject to the review of the Recreation and Parks Committee, the Director of Planning, Building and Code Enforcement, the Director of Public Works, and the Director of Parks and Recreation, and approval by the City Council. The Public Amenities Plan shall be in substantial conformance with the program described in the "Ocean Trails Conceptual Public Amenities and Coastal Access Program for Rancho Palos Verdes Subregion 7", dated July 1994 and dated as received by the City on July 22, 1994.

4. Prior to recordation of the Final Map, any additional acreage needed to increase the size or area for the golf course and related uses shall be obtained by reducing the acreage currently designated for residential purposes within Tract 50666, Tract 50667, or a combination thereof, provided a minimum of thirty (30) percent of the area within each tract remains for Common Open Space. Any additional acreage needed to increase the area of the golf course shall not result in a reduction in the acreage of land to be dedicated or restricted for public open space uses as shown on the approved Ocean Trails Plan.

5. Any artificial water features (water hazards, fountains, artificial lakes, etc.) associated with the golf course are subject to review and approval by the Director of Planning, Building and Code Enforcement, prior to the issuance of a grading permit. Such features shall be permitted, subject to the conditions that they be lined to prevent percolation of water into the soil and are charged with reclaimed and appropriately treated water when available from related uses after such features are initially established. The reclaimed water stored in any artificial water features shall be used to supplement the irrigation systems required to maintain the golf course. The operation of the water features and reclaimed water shall be subject to all applicable health code requirements. If there are any violations in this condition of approval, or if such features create a public nuisance at any time (visual appearance, odor, etc.). Approval of such features may be revoked through a public hearing before the Planning Commission, where mitigation including draining, filling, and re-landscaping may be imposed.

6. Any accessory structures associated with the golf course, including but not limited to a snack shop, convenience and comfort facilities, or similar structures, shall not exceed sixteen (16) feet in height unless a minor revision to the Conditional Use Permit and a Variance are granted by the Planning Commission.

7. The design and layout of the driving range shall substantially conform to the plans reviewed by the City Council, which are entitled "Ocean Trails Driving Range/Lot Layout Proposed amendment Tentative Tract No. 50666, dated February 2, 2005", prepared by ESCO Engineering Service Corporation. Prior to commencement of the construction of the driving range, the final design/grading permit of the golf course shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement for compliance with the plan referenced in this condition. The final design/grading plan of the driving range shall identify the layout of the driving range and other improvements, including drainage structures, utility easements, golf cart paths, and public trails. Wherever possible, the final design of the driving range shall minimize any conflict between the use of the golf holes and the public trails.

8. Any changes in the project which results in significant changes in the development characteristics of the approved conceptual plan per Condition F.7 above, shall require that an application for a revision to the Conditional Use Permit be filed. The scope of the review shall be limited to the request for modification of any items reasonably related to the request, and shall be subject to approval by the City Council. Before any minor changes are made to the development, the Director of Planning, Building and Code Enforcement shall report to the City Council a determination of significance.

9. Subject to review and approval by the Department of Planning, Building and Code Enforcement, the City Geologist and the City's Water Feature Consultant, per Revision "Z" to CUP No. 163, the Applicant shall be permitted to raise the height of Waterfall #1 and the Back Tees of Hole #2 according to the "As-Built Topography Plans", dated September 8, 2005 and November 4, 2005, which were prepared by ESCO Engineering Service Corporation. The shrubs planted adjacent to and immediately north of the Back Tees of Hole #2 shall be removed. No landscaping shall be planted in the immediate vicinity of the Back Tees of Hole #2 that exceeds the height of the tee elevation and all landscaping in the immediate vicinity shall be maintained at a height not to exceed the tee height.

G. <u>OPERATION OF THE GOLF COURSE AND DRIVING RANGE</u>

1. Approval of this Conditional Use Permit is contingent upon the concurrent and continuous operation of the primary components of the project, which are the golf course, driving range and clubhouse. If either use is discontinued, this Conditional Use Permit will be null and void. If the landowner or the landowner's successor in interest seeks to change the uses which have been designated, the landowner must file an application for a major modification of the Conditional Use Permit with the City. At that time, the Planning Commission may impose such conditions as it deems necessary

upon the proposed use and may consider all issues relevant to the proposed change of use, including, but not limited to, whether the entire Conditional Use Permit should be revoked.

2. The hours of operation of the clubhouse may be limited by the City Council based on the determination that excessive sound is audible from surrounding residential properties.

3. Deliveries utilizing vehicles over forty (40) feet in length shall be limited to the hours of 5:00 a.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 9:00 p.m. on Saturday and Sunday. Other vehicles shall be allowed to make deliveries 24 hours a day.

4. Prior to the opening of the golf course and/or driving range, the use of gardening equipment shall be controlled by a Golf Course Maintenance Plan which is subject to review and approval by the Director of Planning, Building and Code Enforcement, based on an analysis of equipment noise levels and potential impacts to neighboring residents. The Plan shall be submitted for formal review by the Director of Planning, Building and Code Enforcement within 3 months after the first day that the golf course and/or driving range opens for play and annually thereafter for the life of the golf course and/or driving range. At the 3-month review and at each subsequent annual review, the Director may determine that the Plan needs to be revised to address potential noise impacts. The Director may also determine that additional review periods and/or other conditions shall be applied to the Maintenance Plan.

   Further, if the City receives any justified noise complaints that are caused by the maintenance of the golf course and/or driving range, as verified by the Director of Planning, Building and Code Enforcement, upon receipt of notice from the City, the owner(s) of the golf course shall respond to said verified complaint by notifying the City and implementing corrective measures within 24 hours from time of said notice.

   The Director's decision on any matter concerning the golf course/driving range maintenance may be appealed to the City Council. This condition shall apply to all golf course owners, present and future. Any violations of this condition may result in revocation of this Conditional Use Permit and subsequent cease of golf course/driving range play.

5. No on-site repair or delivery of equipment and/or materials shall be permitted before 7:00 a.m. or after 4:00 p.m., except for repair of golf course equipment within enclosed structures.

6. Prior to the installation of landscaping on the golf course, the developer shall submit a green waste management and recycling program for review and approval by the Directors of Planning, Building and Code Enforcement and Public Works.
7. The operator of the golf facilities shall participate in the City's recycling program.

8. The City hereby reserves the right to increase the golf tax established by Ordinance No. 291 on the golf course use to which the developer and any successors in interest to the developer and any owner(s) and/or operator(s) of the golf course shall not object. Written notice of this condition shall be provided to any purchaser(s) prior to the close of escrow and/or operator(s) of the golf course prior to the execution of any lease or contract agreement to operate the golf course.

9. Any future heliport proposed with this development shall be subject to a new and separate Conditional Use Permit. No heliport is permitted with this approval.

10. The golf course and driving range shall be used during daylight hours (dawn to dusk) only. There shall be no lighting of the driving range or golf course.

11. If it is determined by the Director of Planning, Building and Code Enforcement, that use of the driving range is causing significant hazardous impacts to public safety resulting from stray golf balls causing injury to persons or property, upon notice by the Director, the owner shall change the type of golf ball being utilized for the driving range from a "regulation" golf ball to a "low-impact" golf ball.

If the use of "low-impact" golf balls does not prove successful in resolving the hazardous impacts, according to the Director of Planning, Building and Code Enforcement, then the Applicant shall meet the requirements of Mitigation Measure H-4.

12. Through a public hearing, the City Council shall conduct a review of the driving range and its operations in one year after a Certificate of Use and Occupancy has been issued for the driving range.

13. The driving range and all practice putting greens shall be available for use by the general public at all times that the golf course is open to the general public, provided that users of the driving range and practice putting greens are dressed in the same attire that is required to play a round of golf on the golf course. Such attire shall be as follows:

> Men must have collared shirt (Turtle Neck and Mock Turtle Neck acceptable), shorts permissible but need to be Bermuda length; shorts and or trousers may not be of denim materials (No Levis). Golf shoes recommended but tennis shoes or any other type of sneaker may be worn - no soccer cleats, baseball cleats or track cleats/shoes permitted. Trump National Golf Club is a soft spike facility - hard spiked golf shoes are prohibited.
>
> Women's shirts and blouses must conform to the following; sleeveless tops must have a collar, sleeved tops need not have a collar. Shorts, Skirts and Skorts are permitted but need to be Bermuda length; Shorts, Skirts, Skorts and or Pants may not be of denim materials (No Levis). Golf shoes recommended but tennis shoes or any other type of sneaker may be worn - no soccer cleats, baseball cleats or track cleats/shoes permitted. Trump National Golf Club is a soft spike facility - hard spiked golf shoes are prohibited.

Further, the Applicant shall be permitted to manage the use of the driving range and putting greens so that those users who have paid greens fees to play on the golf course will have priority over those who have not paid greens fees. If space is available, those that have not paid greens fees shall be limited to a maximum of two hours of practice on the putting green per day.

H. MISCELLANEOUS DESIGN STANDARDS

1. Prior to the issuance of grading permits, all golf course signage, including trail signage, shall be subject to a sign permit and subsequent review and approval by the Director of Planning, Building and Code Enforcement, as part of the landscape plan required in Condition K.1..

2. All trash enclosure walls shall be a maximum of 6 feet in height and designed to accommodate recycling bins and shall have solid, self-closing gates and be integrated into the building design.

3. All utilities exclusively serving the site shall be provided underground, including cable television, telephone, electrical, gas, and water. All appropriate permits shall be obtained for their installation. Cable television, if utilized, shall be connected to the nearest trunk line at the developer's expense.

4. No roof mounted mechanical equipment, vents, or ducts, shall be permitted. All other mechanical equipment shall be screened and/or covered as necessary to reduce their visibility from public rights-of-way or adjacent properties. Any necessary screening and covering shall be architecturally harmonious with the materials and colors of the buildings. Use of satellite dish antennae shall be subject to the conditions and requirements of Sections 17.41.140 through 17.41.210 of the Rancho Palos Verdes Development Code.

5. Mechanical equipment shall be housed in enclosures designed to attenuate noise to a level of 45 dBA at the property lines. Mechanical equipment for food service shall incorporate filtration systems to eliminate exhaust odors.

6. No gates or other devices shall be permitted which limit direct access to the site. No freestanding fences, walls, or hedges shall be allowed, unless part of the fencing plan reviewed and approved by the Director of Planning, Building and Code Enforcement as required by Condition No. L.1.

7. All retaining walls are subject to review and approval by the Director of Planning, Building and Code Enforcement, prior to the issuance of grading permits. Unless otherwise provided, retaining walls shall conform to the criteria established in Section 17.50 of the Rancho Palos Verdes Development Code.

I. PARKING

1. Prior to the issuance of any grading permit for the golf course or driving range, the developer shall submit a final parking plan reflecting the parking design for the approved project, including calculations for the number of parking spaces required for the golf course, driving range, clubhouse and ancillary uses, and any on-site dining facilities. The parking plan shall be subject to review and approval by the Director of Planning, Building and Code Enforcement. Requests for extensions may be granted by the Director of Planning, Building and Code Enforcement for up to one hundred eighty (180) days.

2. As part of the final parking plan required in Condition I.1., a minimum of one hundred fifty (150) parking spaces and fourteen (14) valet parking spaces shall be constructed in a lot on the west side of the clubhouse, as designated in the parking plan, for golf course, driving range, clubhouse and public use. A minimum of forty five (45) parking spaces shall be constructed in a lot on the east side of the clubhouse, as designated in the parking plan, for public use only during daylight hours and clubhouse use after dusk. A minimum of one-hundred eighteen (118) overflow parking spaces, seventeen (17) valet overflow parking spaces, and a minimum of twenty five (25) employee parking spaces shall be constructed in a lot adjacent to the golf course maintenance facility, as designated in the parking plan, for golf course, driving range, clubhouse and public use.

3. All parking areas shall be designed to mitigate or eliminate non-aesthetic noise and views which may impact surrounding single family and multi-family residences, subject to the review and approval of the Director of Planning, Building and Code Enforcement, prior to the issuance of the grading permit.

J. LIGHTING

1. Exterior lighting for the clubhouse, maintenance facility and affordable housing complex shall be limited to the Standards of Section 17.56 (formally 17.54.030) of the Development Code.

2. Prior to issuance of building permits for any of the structures referenced in Condition No. J.1, a lighting plan shall be submitted to the Director of Planning, Building and Code Enforcement for review and approval and there shall be no direct off-site illumination from any light source.

3. Parking and security lighting shall be kept to minimum safety standards and shall conform to all applicable City requirements. Fixtures shall be shielded to prevent lighting from illuminating on or towards other properties; there shall be no spill-over onto residential properties. A trial period of six (6) months from issuance of certificate of occupancy for assessment of exterior lighting impacts shall be instituted. At the end of the 6 month period, the City may require additional screening or reduction in intensity of any light which has been determined to be excessively bright.

4. No golf course or driving range lighting shall be allowed.

K. LANDSCAPING

1. Prior to issuance of grading permits, the developer shall submit a preliminary landscape plan to the Director of Planning, Building and Code Enforcement for review and approval of the clubhouse,

golf course and appurtenant structures, driving range, parking lots, and all open space areas within the boundaries of the parcel maps and/or tract maps, roadway medians and public trails which shall include the following:

a. A minimum of eighty percent (80%) drought tolerant plant materials for all landscaped areas.

b. Landscaping within the project area shall be planted in such a manner so that views from adjacent properties and any public right-of-way are not affected.

c. All trees selected shall be of a species which reasonably could be maintained at 16 feet. Said trees shall be maintained not to exceed 16 feet in height.

d. The re-seeding and re-establishment of natural plant species for all of the disturbed open space areas. Said plan shall include site specific and non-invasive species, and shall be reviewed and commented on by the project biologist and interested parties, and shall be subject to the approval of the Director of Planning, Building and Code Enforcement.

e. Landscaping and irrigation plans for all rough graded surfaces which have been scarified through grading operations.

f. The landscaped entries and buffer zones shall meet the standards for Intersection Visibility (Section 17.48.070 (formally 17.42.060)), as identified in the Development Code.

2. Prior to installation of the permanent landscaping for the golf course and associated structures, including the driving range, the developer shall submit a final landscape and irrigation plan to the Director of Planning, Building and Code Enforcement for review and approval of the clubhouse, golf course and appurtenant structures, driving range, parking lots, and all open space areas within the boundaries of the parcel maps and/or tract maps, roadway medians and public trails. The final landscape and irrigation plans shall conform to California State Model Water Efficient Landscape Ordinance (per State Assembly Bill 325) and shall include the following:

a. A minimum of eighty percent (80%) drought tolerant plant materials for all landscaped areas.

b. Landscaping within the project area shall be planted in such a manner so that views from adjacent properties and any public right-of-way are not affected.

c. All trees selected shall be of a species which reasonably could be maintained at 16 feet. Said trees shall be maintained not to exceed 16 feet in height.

d. The landscaped entries and buffer zones shall meet the standards for Intersection Visibility (Section 17.48.070 (formally 17.42.060)), as identified in the Development Code.

e. Irrigation systems shall utilize drip and bubbler systems wherever possible. Controlled spray systems may be used where drip or bubbler systems are not appropriate. All sprinkler heads shall be adjusted to avoid over-spray.

f. All high water use areas shall be irrigated separately from drought tolerant areas.

g. Irrigation systems shall be on automatic timers and shall be adjusted for seasonal water needs.

h. Where practical, transitional landscaping on graded slopes shall screen the project's night lighting as seen from surrounding areas.

3. Within 30 days after Final Map approval, or prior to issuance of building permits, whichever occurs first, the developer shall submit to the City a Covenant to Maintain Property to protect views for each golf course lot and driving range lot. All fees associated with recording said covenant shall be paid by the developer.

4. With the exception of irrigation lines that have been reviewed and approved by the City Geologist for installation and operation, prior to installation of any additional irrigation lines on any portion of the Ocean Trails property, the City Council shall have approved the Ocean Trails Water Control Plan to ensure that the installation and operation of said irrigation lines will not contribute water to any known landslide area, cause any significant erosion or other potentially hazardous conditions.

5. All proposed irrigation within the Ocean Trails project, which includes, but is not limited to, all irrigation for the golf course, driving range, parks, open space lots and private residential lots, shall be subject to the standards of the Ocean Trails Water Control Plan as reviewed and approved by the City Council, and other than the golf course and driving range, shall be consistent with City of Rancho Palos Verdes Municipal Code Section No. 15.34, "Water Conservation in Landscaping". With the exception of private residential lots which have been sold to an individual purchaser, the developer or any subsequent owner of the golf course parcels (hereinafter "developer") shall be responsible for submitting an audit report every 60 days for review and approval by the Director of Planning, Building and Code Enforcement, which details the project's compliance with the Ocean Trails Water Control Plan and consistency, where applicable, with Municipal Code Section No. 15.34. If it is determined by the Director of Planning, Building and Code Enforcement, that any irrigation is not in compliance with either the Ocean Trails Water Control Plan or Municipal Code Section 15.34, or is causing any impacts to the project site, the developer shall be required to halt all irrigation in the subject area until any such problem has been remedied to the satisfaction of the Director of Planning, Building and Code Enforcement.

L. FENCING PLANS

1. A complete project fencing plan (including public trails, habitat areas, warning signage, and proposed fence and wall details) shall be approved by the Director of Planning, Building and Code Enforcement and/or the Design Review Committee ("DRC") or similar body if established, prior to issuance of grading permits or recordation of the Final Map, whichever occurs first. It shall be the responsibility of the developer to install this fencing prior to sale of any lot within each workable phase. Said fencing plans shall incorporate the following:

a. A 42 inch high pipe rail fence or similar fencing of suitable design shall be placed along the length of the bluff top on the seaward side of the bluff top pedestrian trail, subject to the review and approval of the Director of Planning, Building and Code Enforcement. It shall be the responsibility of the developer to install this fencing and warning signage to coincide with the construction of the bluff top pedestrian and bicycle trail.

b. A protective fence around the California gnatcatcher habitat areas and around all wildlife corridors adjacent to residential development, or as otherwise required by the Director of Planning, Building and Code Enforcement shall be installed. Fencing of all enhancement areas shall also be required, subject to the review and approval of the Director of Planning, Building and Code Enforcement. Said fencing shall satisfy all requirements of the project biologist, incorporate a method to prevent domesticated animals from entering the habitat

areas, include appropriate warning signage, and shall be black or dark green in color. Temporary fencing shall be installed around the existing wildlife corridors and habitat areas prior to the issuance of grading permits and the permanent fencing shall be installed prior to the sale of any lot within adjacent workable phases.

c. Protective fencing along all trails and open space areas where there is a potential conflict between golf course uses and public access uses. In no case shall permanent netting and netting support poles be installed for the driving range. However, temporary netting and support poles may be allowed for temporary professional tournaments provided a Special Use Permit is obtained as required through Mitigation Measure No. H-3 of Resolution No. 2005-62 for the Driving Range (Revision "W") Mitigated Negative Declaration. In association with such temporary poles and netting, permanent below grade support pole sleeves that would accommodate temporary netting support poles are allowed to be installed as part of the driving range construction. Such below grade sleeves shall be safely covered when not in use as determined by the Director of Planning, Building and Code Enforcement.

M. ARCHAEOLOGY AND PALEONTOLOGY

1. Prior to issuance of grading permits, the project archaeologist shall submit a protocol to the City for monitoring and for the discovery of archaeological resources. A qualified archaeologist shall make frequent inspections during the rough grading operation to further evaluate cultural resources on the site. If archaeological resources are found, all work in the affected area shall be stopped and the resources shall be removed or preserved. All "finds" shall be reported to the Director of Planning, Building and Code Enforcement immediately. All archaeological finds shall be first offered to the City for preservation. At the completion of grading, the project archaeologist shall submit a report detailing finds, if any.

2. Prior to issuance of grading permits, the project paleontologist shall submit a protocol to the City for monitoring and for the discovery of paleontological resources. A qualified paleontologist shall be present during all rough grading operations. If paleontological resources are found, all work in the affected area shall be stopped and the resources shall be removed or preserved. All "finds" shall be reported to the Director of Planning, Building and Code Enforcement immediately. All paleontological finds shall be first offered to the City for preservation. At the completion of grading, the project paleontologist shall submit a report detailing finds, if any.

N. BIOLOGY

1. Prior to issuance of grading permits, or prior final of any map, whichever occurs first, the developer shall submit a Habitat Conservation Plan (HCP) for review and comment by local wildlife and habitat preservation groups, and subject to approval by the Planning Commission.

2. Prior to issuance of grading permits, the project biological monitor shall submit protocol to the City for the monitoring of biological resources in conformance with the Habitat Conservation Plan and Environmental Impact Report No. 36. A qualified biologist shall be present during all rough grading operations to verify and ensure compliance with mitigation measures contained in Environmental Impact Report No. 36, Supplements thereto, and project certified Mitigated Negative Declarations, for preservation of biological resources, and conformance with the conditions and requirements of the Habitat Conservation Plan (HCP) as described in Condition N.1 above.

O. WATER

1. Prior to issuance of grading permits, the developer must submit a labor and materials bond in addition to either:

a. An agreement and faithful performance bond in the amount estimated by the Director of Public Works and guaranteeing the installation of the water system; or

b. An agreement and other evidence satisfactory to the Director of Public Works indicating that the developer has entered into a contract with the servicing water utility to construct the water system, as required, and has deposited with such water utility a security guaranteeing payment for the installation of the water system.

2. There shall be filed with the Director of Public Works a statement from the purveyor indicating that the proposed water mains and any other required facilities will be operated by the purveyor, and that, under normal operating conditions, the system will meet the needs of the development.

3. There shall be filed with the Director of Public Works an unqualified "will serve" statement from the purveyor indicating that water service can be provided to meet the demands of the proposed development. Said statement shall be dated no more than six months prior to issuance of building permits for the clubhouse. Should the developer receive a qualified "will serve" statement from the purveyor, the City shall retain the right to require the developer to use an alternative water source, subject to the review and approval of the City, or the City shall determine that the conditions of the project approval have not been satisfied.

4. The golf course and related facilities shall be served by adequately sized water system facilities which shall include fire hydrants of the size, type, and location as determined by the Los Angeles County Fire Department. The water mains shall be of sufficient size to accommodate the total domestic and fire flows required for the development. Domestic flow requirements shall be determined by the Director of Public Works. Fire flow requirements shall be determined by the Los Angeles County Fire Department, and evidence of approval by the Los Angeles County Fire Department is required prior to issuance of building permits for the clubhouse, maintenance facility or affordable housing complex, whichever occurs first.

5. Framing of structures shall not begin until after the Los Angeles County Fire Department has determined that there is adequate firefighting water and access available to the said structures pursuant to Condition No. 0.4.

P. DRAINAGE

1. Prior to issuance of grading permits, a bond, cash deposit, or combination thereof, shall be posted to cover the costs of construction of drainage improvements in an amount to be determined by the Director of Public Works.

2. Prior to issuance of grading permits, the developer shall submit a hydrology study to the Director of Public Works to determine any adverse impacts to on-site and/or off-site existing flood control facilities generated by this project. Should the Director of Public Works determine that adverse impacts will result, the developer will be required to post a bond, cash deposit, or combination thereof in an amount to be determined by the Director of Public Works, which will cover the cost of all on-site improvements and the project's fair share of the necessary off-site improvements.

3. Drainage plans and necessary support documents to comply with the following requirements must be submitted for approval by the Director of Public Works prior to the issuance of grading permits:

a. Provide drainage facilities to remove any flood hazard to the satisfaction of the Director of Public Works and dedicate and show easements on the Final Map.

b. Eliminate sheet overflow and ponding or elevate the floors of any structures with no openings in the foundation walls to at least twelve inches above the finished pad grade.

c. Provide drainage facilities to protect the property from high velocity scouring action.

d. Provide for contributory drainage from adjoining properties.

e. All on-site surface drainage shall be directed away from the bluff top to minimize erosion and to protect sensitive plant habitat on the bluff face.

4. All drainage swales and any other on-grade drainage facilities, including gunite, shall be of an earth tone color, as approved by the Director of Planning, Building and Code Enforcement prior to the issuance of grading permit.

5. Subject to review and approval of a permit by the Director of Public Works and Director of Planning, Building and Code Enforcement, the Developer shall be permitted to change the drainage system within the eastern portion of the Ocean Trails project site, which includes portions of the Golf Course and Vesting Tentative Tract Map No. 50667, from a tunneled storm drain system to drain instead into La Rotonda canyon.

Within 60 days of this approval, the developer shall revise the "Operations and Maintenance Manual for Groundwater and Ground Movement Monitoring Facilities at the Ocean Trails Golf Course" to include methods whereby the canyons on site shall be periodically monitored for erosion and slope failure. The document shall include methods for immediately repairing failed slope areas to prevent enlargement of failed areas. The revised Manual shall be submitted for review and approval by the Director of Public Works and Director of Planning, Building and Code Enforcement within the 60 day period.

The golf course operator shall have the canyons inspected annually during and immediately following the rainy season, in accordance with the standards and schedule which have been established by the Director of Public Works, and at any other time deemed necessary by the Director of Public Works. The golf course operator shall provide the results of the inspections to the Director of Public Works within ten (10) working days following each inspection. The golf course operator shall have any failed or eroded portions of the canyons immediately repaired to the satisfaction of the Director of Public Works.

Prior to issuance of permits to construct such drainage system, the developer shall submit proof to the Director of Planning, Building and Code Enforcement, that the developer has obtained the necessary permits and/or approvals from the following resource agencies: U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife, and the California Regional Water Quality Control Board. The developer shall be responsible for implementing any conditions associated with the resource agencies permits and/or approvals of this specific drainage request.

6. Subject to review and approval of a permit by the Director of Public Works and Director of Planning, Building and Code Enforcement, the Developer shall be permitted to change the drainage system within the western portion of the Ocean Trails project site, which includes portions of the Golf Course and Vesting Tentative Tract Map No. 50666, from a tunneled storm drain system to drain instead into Forrestal Canyon.

Within 60 days of this approval, the developer shall revise the "Operations and Maintenance Manual for Groundwater and Ground Movement Monitoring Facilities at the Ocean Trails Golf Course" to include methods whereby the canyons on site shall be periodically monitored for erosion and slope failure. The document shall include methods for immediately repairing failed slope areas to prevent enlargement of failed areas. The revised Manual shall be submitted for review and approval by the Director of Public Works and Director of Planning, Building and Code Enforcement within the 60 day period.

The golf course operator shall have the canyons inspected annually during and immediately following the rainy season, in accordance with the standards and schedule which have been

established by the Director of Public Works, and at any other time deemed necessary by the Director of Public Works. The golf course operator shall provide the results of the inspections to the Director of Public Works within ten (10) working days following each inspection. The golf course operator shall have any failed or eroded portions of the canyons immediately repaired to the satisfaction of the Director of Public Works.

Prior to issuance of permits to construct such drainage system, the developer shall submit proof to the Director of Planning, Building and Code Enforcement, that the developer has obtained the necessary permits and/or approvals from the following resource agencies: U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife, and the California Regional Water Quality Control Board. The developer shall be responsible for implementing any conditions associated with the resource agencies permits and/or approvals of this specific drainage request.

Q. PROJECT COMPLETION BONDS

1. Prior to recordation of any Final Map and/or issuance of grading permit, whichever occurs first, the developer shall post a bond, cash deposit, or other City-approved security to ensure the completion of all golf course, clubhouse and related improvements, including: rough grading, landscaping, irrigation, public trails, habitat restoration, drainage facilities, and other site features as per approved plans.

R. PUBLIC OPEN SPACE DEED RESTRICTION

1. Prior to issuance of grading permits or recordation of any Final Map, whichever occurs first, the landowner shall record a restrictive covenant in favor of the City in a form and on terms acceptable to the City, requiring all land within the golf course and driving range, including any permanent structures, for golf course, driving range and related recreational uses to be open to the public. Furthermore, the deed restriction shall specify that conversion of any portion of the approved facilities to a private or member-only use or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is specifically precluded by this permit and would require an amendment to this permit or a new permit in order to be effective.

S. COMPLETION PER APPROVED PLANS

1. The developer shall designate appropriate workable phases (portions of the development to include adjoining areas of grading, construction of the clubhouse and associated improvements, streets of access, finish grading phases, supporting off-site improvements and on-site drainage and utility improvements) that shall be subject to approval by the Director of Planning, Building and Code Enforcement and the Director of Public Works, prior to the issuance of grading permit.

2. Any workable phase not under construction which has been scarified through grading operations shall be irrigated and landscaped within ninety (90) days of grading. Temporary irrigation lines may be approved by the Director of Planning, Building and Code Enforcement.

3. Prior to the issuance of grading permits, the developer shall post a bond, cash deposit, or other City-approved security to guarantee substantial vegetative cover and maintenance of all finish graded lots which have not been sold for development.

4. No building permits shall be issued prior to finish grading within the approved workable phase of the site in which each lot is located and until the Director of Planning, Building and Code Enforcement has determined that all drainage facilities and common area and off-site improvements in the workable phase of the site and necessary for development of the phase in the approved construction plan in which the lots or structures are located are completed, to the extent that the lots or structures are accessible and able to support development.

5. The developer shall participate in any Design Review Committee ("DRC") or similar body processes in place at the City at the time development and construction plans for the clubhouse, golf course, and related facilities are submitted to the City.

T. TRAILS PLAN AND PUBLIC AMENITIES IMPLEMENTATION

1. The developer shall be responsible for implementation and construction of all amenities detailed in the Public Amenities Plan as required per Condition F.3 above, and Condition G.1 of Resolution No. 96-75. Construction of the public amenities shall coincide with the project grading activity and shall be completed upon certification of rough grading.

2. The existing remnant from the World War II facility located at the Halfway Point Park shall be preserved as a part of the Public Amenities Plan. A plaque commemorating the facility and describing its uses shall be placed at the location.

3. Dedication of the public trail and open space lots shall occur at the time the Final Map is recorded.

4. Construction of the public trails and improvements required in the Public Amenities Plan shall be the obligation of the developer. Construction shall coincide with the project grading activity and shall be completed upon certification of rough grading. Dedication of the public trails shall occur at the time any Final Map is recorded.

U. MITIGATION MEASURES

1. The development shall comply with all mitigation measures of Environmental Impact Report No. 36, Supplements thereto, and project certified Mitigated Negative Declarations. Where more restrictive language appears in these conditions of approval, the more restrictive language shall control.

2. All costs associated with implementation of the Mitigation Monitoring Program shall be the responsibility of the Developer, and/or any successors in interest.

V. FLAG POLE

1. The conditions found under Section V. of Conditional Use Permit No. 163 pertain to the approval of Revision BB to the project, as approved by the City Council on March 20, 2007, and amended on July 17, 2007 and February 16, 2016, approves the erection of a 70' tall flagpole near the back tee of Golf Hole #1 for the purpose of flying the flag of the United States of America. No other flag, object or display shall be flown form such flagpole without the approval of the City Council. The Applicant shall be responsible for abiding by all laws related to the flag of the United States as found in United States Code, Title 4, Chapter 1.

2. Prior to 60 days after final action by the City Council on February 16, 2016, the Applicant shall dedicate 25 square feet (5' x 5') of property around the existing flag pole base to the City. Upon recordation, the City will henceforth be the owner of said property and the amenities located thereon. The Applicant shall be responsible for paying all necessary fees for the preparation of Grant Deed documents, including the legal description of said property and review by the City Engineer and City Attorney.

3. Prior to 60 days after final action by the City Council on February 16, 2016 and prior to recordation of the Grant Deed that dedicates the 25 square foot property beneath the flag pole to the City, the Applicant shall obtain a building permit and a final on said permit for the flag pole. The Applicant shall be responsible for paying all necessary after-the-fact penalty fees for such building permit.

4. The Applicant shall be responsible for raising and lowering the flag on a daily basis in compliance with all laws related to the United States Flag found in the United States Code, Title 4, Chapter 1. Additionally, the Applicant shall be responsible for maintaining, including the costs of such maintenance, the flag, rigging, flag pole, and any landscaping within the 25 square foot dedication area.

5. Prior to 60 days after final action by the City Council on February 16, 2016, the Applicant shall enter into a Reciprocal Easement Agreement that would allow the Trump Organization to access the flag pole site for maintenance activities while also providing an easement over golf course property to allow the City to access the flag pole site.

6. Prior to 60 days after final action by the City Council on February 16, 2016, the Applicant shall enter into an Indemnification Agreement that indemnifies the City against any action associated with the Applicant's installation/construction of the amenities located on the 25 square foot property, as well as the maintenance and all other activities related to the flag and flag pole.

7. No lighting to illuminate the flag pole shall be allowed.